

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

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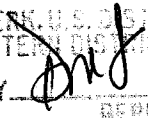
MICHAEL C. DEMARQUIS
PLAINTIFF,

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V.

CAUSE NO. 1:20-CV-634-LY

ALORICA, INC.,
DEFENDANT.

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

**ORDER ADOPTING REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Before the court in the above-styled and numbered cause of action are Defendant Alorica, Inc.'s ("Alorica") Motion to Dismiss Plaintiff's Amended Complaint filed September 18, 2020 (Doc. #16), Plaintiff Michael C. DeMarquis's response filed October 23, 2020 (Doc. #19), and Alorica's reply filed November 5, 2020 (Doc. #20).

This motion was referred to a United States Magistrate Judge for report and recommendation. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72; Loc. R. W.D. Tex. App'x C, R. 1(d). The magistrate judge signed a report and recommendation on May 12, 2021 (Doc. #22), recommending that this court grant Alorica's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) and dismiss DeMarquis's complaint without prejudice. The magistrate judge further recommended that the court set a deadline by which DeMarquis may file an amended complaint.

A party may serve and file specific written objections to the proposed findings and recommendations of a magistrate judge within 14 days after being served with a copy of the report and recommendation and thereby secure *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that

party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc).

The record shows that all parties had notice of the report and recommendations by May 13, 2021, and that objections were due on or before May 27, 2021. To date, no objections have been filed. The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause for substantially the reasons stated therein. Accordingly,

IT IS ORDERED that the report and recommendation of the United States Magistrate Judge (Doc. #22) is **ACCEPTED AND ADOPTED** by the court.

IT IS FURTHER ORDERED that Alorica's motion to dismiss (Doc. #16) is **GRANTED**. DeMarquis's complaint is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that DeMarquis may file an amended complaint to cure the deficiencies in his allegations regarding Alorica's status as a "debt collector" under the Fair Debt Collection Practices Act or the Texas Debt Collection Act **on or before** July
12, 2021.

SIGNED this 21st day of June, 2021.


LEE YEAKEL
UNITED STATES DISTRICT JUDGE